



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4634

by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

20 ILCS 2205/2205-15 new
20 ILCS 2310/2310-397

was 20 ILCS 2310/55.90

Amends the Department of Public Aid Law of the Civil Administrative Code of Illinois and the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Provides that the Department of Healthcare and Family Services shall establish a prostate and testicular cancer treatment program. Sets forth the requirements for participation in the program, including requirements concerning screening for prostate or testicular cancer and the need for treatment. Sets forth other features of the program. In connection with the Department of Public Health's prostate and testicular cancer awareness and early detection program, provides that the promotion of information and counseling about treatment options shall include: identification of the medically viable alternative methods for the treatment of prostate and testicular cancer; information concerning the advantages, disadvantages, and risks associated with those treatment methods; and information concerning the availability of public and private sources of payment for diagnostic evaluation and the treatment of prostate and testicular cancer. Provides that referral services shall include referrals for treatment services. Makes other changes.

LRB095 14693 DRJ 43223 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Aid Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2205-15 as follows:

7 (20 ILCS 2205/2205-15 new)

8 Sec. 2205-15. Prostate and testicular cancer treatment
9 program.

10 (a) The Department of Healthcare and Family Services shall
11 establish a prostate and testicular cancer treatment program. A
12 person is eligible for treatment services under the program if
13 he meets all of the following conditions:

14 (1) He has been screened for prostate or testicular
15 cancer in a manner approved by the Department, including,
16 but not limited to, by means of participation in the
17 screening program established under Section 2310-397 of
18 the Department of Public Health Powers and Duties Law of
19 the Civil Administrative Code of Illinois.

20 (2) As a result of the screening, he has been found to
21 need diagnostic evaluation, and that evaluation is found to
22 be positive for cancer treatment for prostate or testicular
23 cancer and he continues to need that treatment. A person

1 shall be considered to need treatment if, in the opinion of
2 his treating physician, he requires therapy directed
3 toward cure or palliation of prostate or testicular cancer,
4 including recurrent metastatic cancer that is a known or
5 presumed complication of prostate or testicular cancer and
6 complications resulting from the treatment modalities
7 themselves. Covered treatment shall include, but is not
8 limited to, follow-up PSA (Prostate Specific Antigen)
9 testing and DRE (Digital Rectal Examination) as
10 recommended by the treating physician.

11 (3) He is uninsured for prostate or testicular cancer
12 treatment, that is, he does not have creditable coverage,
13 as defined under the Health Insurance Portability and
14 Accountability Act, for that treatment.

15 (4) He meets the citizenship requirements set forth in
16 89 Ill. Adm. Code 120.310 and the residence requirements
17 set forth in 89 Ill. Adm. Code 120.311.

18 (5) He furnishes a Social Security number as described
19 in 89 Ill. Adm. Code 120.327.

20 (6) He cooperates in establishing his eligibility to
21 participate in the program as described in 89 Ill. Adm.
22 Code 120.308.

23 A person's assets are exempt from consideration in
24 determining his eligibility for treatment services under this
25 Section.

26 (b) Notwithstanding any other provision of law, the

1 Department of Healthcare and Family Services (i) does not have
2 a claim against the estate of a deceased recipient of treatment
3 services under this Section or against the estate of a
4 recipient's deceased spouse and (ii) does not have a lien
5 against any homestead property or other legal or equitable real
6 property interest owned by a recipient of treatment services
7 under this Section.

8 (c) A person who enters a nursing facility for the purpose
9 of receiving services that qualify as treatment under this
10 Section must provide the Department with income information
11 sufficient to enable the Department to calculate a group care
12 credit as established in 89 Ill. Adm. Code 120.40 and 120.60.

13 (d) A person applying for or receiving treatment services
14 under this Section has the appeal rights described in 89 Ill.
15 Adm. Code 102.80 through 102.83 in the case of applicants for
16 or recipients of assistance under the Illinois Public Aid Code.

17 Section 10. The Department of Public Health Powers and
18 Duties Law of the Civil Administrative Code of Illinois is
19 amended by changing Section 2310-397 as follows:

20 (20 ILCS 2310/2310-397) (was 20 ILCS 2310/55.90)

21 Sec. 2310-397. Prostate and testicular cancer program.

22 (a) The Department, subject to appropriation or other
23 available funding, shall conduct a program to promote awareness
24 and early detection of prostate and testicular cancer. The

1 program may include, but need not be limited to:

2 (1) Dissemination of information regarding the
3 incidence of prostate and testicular cancer, the risk
4 factors associated with prostate and testicular cancer,
5 and the benefits of early detection and treatment.

6 (2) Promotion of information and counseling about
7 treatment options, including: identification of the
8 medically viable alternative methods for the treatment of
9 prostate and testicular cancer; information concerning the
10 advantages, disadvantages, and risks associated with those
11 treatment methods; and information concerning the
12 availability of public and private sources of payment for
13 diagnostic evaluation and the treatment of prostate and
14 testicular cancer.

15 (3) Establishment and promotion of referral services
16 (including referrals for treatment services) and screening
17 programs.

18 Beginning July 1, 2004, the program must include the
19 development and dissemination, through print and broadcast
20 media, of public service announcements that publicize the
21 importance of prostate and testicular cancer screening for men
22 over age 40.

23 (b) Subject to appropriation or other available funding, a
24 Prostate and Testicular Cancer Screening Program shall be
25 established in the Department of Public Health.

26 (1) The Program shall apply to the following persons

1 and entities:

2 (A) uninsured and underinsured men 50 years of age
3 and older;

4 (B) uninsured and underinsured men between 40 and
5 50 years of age who are at high risk for prostate and
6 testicular cancer, upon the advice of a physician or
7 upon the request of the patient; and

8 (C) non-profit organizations providing assistance
9 to persons described in subparagraphs (A) and (B).

10 (2) Any entity funded by the Program shall coordinate
11 with other local providers of prostate and testicular
12 cancer screening, diagnostic, follow-up, education, and
13 advocacy services to avoid duplication of effort. Any
14 entity funded by the Program shall comply with any
15 applicable State and federal standards regarding prostate
16 and testicular cancer screening.

17 (3) Administrative costs of the Department shall not
18 exceed 10% of the funds allocated to the Program. Indirect
19 costs of the entities funded by this Program shall not
20 exceed 12%. The Department shall define "indirect costs" in
21 accordance with applicable State and federal law.

22 (4) Any entity funded by the Program shall collect data
23 and maintain records that are determined by the Department
24 to be necessary to facilitate the Department's ability to
25 monitor and evaluate the effectiveness of the entities and
26 the Program. Commencing with the Program's second year of

1 operation, the Department shall submit an Annual Report to
2 the General Assembly and the Governor. The report shall
3 describe the activities and effectiveness of the Program
4 and shall include, but not be limited to, the following
5 types of information regarding those served by the Program:

6 (A) the number;

7 (B) the ethnic, geographic, and age breakdown;

8 (C) the stages of presentation; and

9 (D) the diagnostic and treatment status.

10 (5) The Department or any entity funded by the Program
11 shall collect personal and medical information necessary
12 to administer the Program from any individual applying for
13 services under the Program. The information shall be
14 confidential and shall not be disclosed other than for
15 purposes directly connected with the administration of the
16 Program or except as otherwise provided by law or pursuant
17 to prior written consent of the subject of the information.

18 (6) The Department or any entity funded by the program
19 may disclose the confidential information to medical
20 personnel and fiscal intermediaries of the State to the
21 extent necessary to administer the Program, and to other
22 State public health agencies or medical researchers if the
23 confidential information is necessary to carry out the
24 duties of those agencies or researchers in the
25 investigation, control, or surveillance of prostate and
26 testicular cancer.

1 (c) The Department shall adopt rules to implement the
2 Prostate and Testicular Cancer Screening Program in accordance
3 with the Illinois Administrative Procedure Act.

4 (Source: P.A. 92-16, eff. 6-28-01; 93-122, 1-1-04.)